

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

ROBERT MILLER AND RACHEL MILLER, )  
Individually and b/n/f of J.R.M. and L.S.M., )  
Minors, GREGG THEOBALD and SHAY )  
THEOBALD, individually and b/n/f of N.P.T., a )  
Minor, and CHAD P. SWEENEY, on Behalf of )  
Themselves and All Others Similarly Situated )

Plaintiffs,

vs.

Cause No. 1:07-cv-0772-LJM-WTL

RC2 CORPORATION, RACING CHAMPIONS )  
ERTL CORPORATION, and LEARNING CURVE )  
BRANDS, INC., formally doing business as THE )  
ERTL COMPANY, INC., RACING CHAMPIONS )  
ERTL, INC., RC ERTL, INC., and RC2 BRANDS, )  
INC. )

Defendants.

**DEFENDANTS NOTICE OF INITIAL EXTENSION OF TIME TO RESPOND TO  
PLAINTIFFS' COMPLAINT**

RC2 Corporation, Racing Champions ERTL Corporation, and Learning Curve Brands, Inc., formally doing business as The ERTL Company, Inc., Racing Champions ERTL, Inc., RC ERTL, Inc. and RC2 Brands ("Defendants") by counsel, notifies the Court of a 30 day extension of time within which to answer or otherwise respond to Plaintiffs' Complaint, and in support thereof states:

- 1.) Defendant received a copy of the Complaint by certified mail on June 25, 2007.
- 2.) That said response is currently due on or before July 18, 2007 and that said time has not expired.
- 3.) That said enlargement of time is necessary for the reason that counsel for Defendants has not had adequate time to study Plaintiffs' Complaint, confer with her client, and

conduct such preliminary studies and investigation so as to be able to intelligently file an appropriate response to said Complaint.

4.) That William Riley, counsel for Plaintiff, has no objection to this request for an extension time.

WHEREFORE, Defendants respectfully notifies the court that the time prescribed within which to respond to Plaintiff's Complaint should be enlarged to and including August 17, 2007 and for all other necessary and proper relief.

Respectfully submitted,

ICE MILLER LLP

s/ Judy S. Okenfuss

Judy S. Okenfuss

Attorney No 16157-49

Attorney for Defendants, RC2 Corporation, Racing  
Champions ERTL and Learning Curve Brands, Inc.

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was filed electronically on the 11<sup>th</sup> day of July, 2007. Notice of the filing will be sent to the following parties by operation of the Court's electronic filing system. The following parties may access this filing through the Court's system:

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